

## Freedom of Information Act

### How to complete the guide to information for schools

**Note: the template guide is intended to assist smaller schools (and in particular primary and nursery schools) to meet their publication scheme obligations.**

#### **Introduction**

The Freedom of Information Act 2000 (FOIA) requires all public authorities (including schools) to adopt and maintain a publication scheme. In 2008 the Information Commissioner's Office (ICO) changed the emphasis in the approval and operation of publication schemes to a generic model, with effect from 1 January 2009.

The model commits a public authority to '*produce and publish the method by which the specific information will be available so that it can be easily identified and accessed by members of the public*'. To help schools of all sizes to meet this obligation we have produced a template guide to information for smaller schools to use. We intend that this will be particularly helpful for primary and nursery schools. The financial threshold for expenditure in this Guide to Information is therefore lower than in the main schools' definition document. However any size of school may opt to use either the definition document or the guide to information.

We have now updated the guide to information. This and the model scheme document itself form the basis of schools' commitment with effect from 6 months of the date the new template comes into effect. However the datasets provisions (see below) apply from 1 September 2013.

**A school is in breach of FOIA if it has not adopted the model scheme or is not publishing in accordance with it.**

The model scheme is designed to cover all public authorities and can be obtained from the ICO website. It must be adopted in full,

unedited and promoted alongside the guide to information. Schools are not required to inform the ICO that they have adopted the scheme; we will assume they have done so unless we hear otherwise.

### **Information included in the guide to information**

The template lists the information we think that schools should hold and make available within each class. When completed this will provide a list of all the information the school will make routinely available, explain how it can be accessed and whether or not a charge will be made for it. Schools must:

- State how the specific information can be obtained and if there is a cost involved.
- Complete the relevant columns in the template guide.
- Ensure the public can access the completed guide and the information listed in it.

The guide, like the model scheme document itself, does not need further approval by the Information Commissioner.

The guide is intended to assist schools by giving examples of the kinds of information that we would expect them to provide in order to meet their commitments under the FOIA model publication scheme. Schools should note that they are not expected to routinely publish all information; for example, where they do not hold it or where it is publicly available elsewhere or is exempt. We list such circumstances below.

We would expect schools to make the information in the guide available unless:

- they do not hold the information;
- the information is exempt under one of the FOIA exemptions or Environmental Information Regulations 2004 (EIR) exceptions, or its release is prohibited under another statute;
- the information is readily and publicly available from an external website; such information may have been provided either by the school or on its behalf. The school must provide a direct link to that information;
- the information is archived, out of date or otherwise inaccessible; or
- it would be impractical or resource-intensive to prepare the material for routine release.

If the information is only held by another public authority, the school should provide details of where to obtain it.

## Completing the columns

We realise that not schools are the same size or carry out the same functions. Therefore, if a school holds, and can make routinely available, more information than that listed it can be added. Equally, if information listed is not held it can be removed (or crossed out) although the school should keep a note of why this information is not available.

**Example:**

Curriculum circulars and statutory instruments	<b>Website</b> www.school.sch.uk/cc/docs <b>Hard copy</b> Contact secretary	Free 10p/sheet
<del>Disclosure logs</del>		
Asset register	Inspection only	Free

In this example, the school would be making information about curriculum circulars and statutory instruments available without charge on its website as well as in hard copy. Asset registers are available by inspection only. The school here does not currently have a disclosure log, although if they have previously received freedom of information requests we think that would be good practice to produce one.

## Manner of publication

It is important that schools make access to information covered by the scheme as easy as possible.

### **Where a school does not have a website**

The model scheme document and the guide to information should be made as accessible as possible, eg on notice boards.

Most information will be made available by hard copy from the school (which must provide appropriate contact details).

### **Where a school has a website**

The model scheme document, the guide to information and a large part of the information covered by the scheme should be made available on the website. If required, information should also be available in hard copy.

In exceptional circumstances schools may need to provide information through means such as allowing visits to the school. How to make arrangements to do this should be made clear.

## **Datasets: publishing datasets for re-use**

The provisions on datasets may not be relevant to all small schools, but they need to be aware of them and must comply with them when appropriate.

Public authorities, including schools, must publish under their publication scheme any dataset they hold that has been requested, together with any updated versions, unless they are satisfied that it is not appropriate to do so. So far as reasonably practicable, they must publish it in an electronic form that is capable of re-use.

If the dataset or any part of it is a relevant copyright work and the public authority is the only owner, the public authority must make it available for re-use under the terms of a specified licence. Datasets in which the Crown owns the copyright or the database rights are not relevant copyright works.

The Datasets Code of Practice recommends that public authorities make datasets available for re-use under the [Open Government Licence](#).

The term 'dataset' is defined in section 11(5) of FOIA. The terms 'relevant copyright work' and 'specified licence' are defined in section

19(8) of FOIA. The ICO has published [guidance on the dataset provisions in FOIA](#). This explains what is meant by “not appropriate” and “capable of re-use”.

## Fees and charging

Information available through a school’s publication scheme should be readily available at a low or at no cost to the public. If a school does charge for this information, we expect the charges to be justifiable, clear and kept to a minimum. Providing information under FOIA should not be done for profit.

Charges may be made for activities such as printing, photocopying and postage as well as information that the school is legally authorised to charge for. Anyone requesting information must be informed of any charge before the information is provided. Schools may ask for payment before providing the information.

If the school charges a fee for licensing the re-use of datasets, it should state in its guide to information how this is calculated and whether the charge is made under the Re-use Fees Regulations or under other legislation. It cannot charge a re-use fee if it makes the datasets available for re-use under the Open Government Licence.

The actual charges should be entered in the column on the guide to information. A schedule of charges is attached to the template and this should be used to set out the basis on which the charges are being made. Guidance on our website, [Charging for information in a publication scheme](#), provides more details.

### Example:

Annual Report	<b>Website</b> www.school.sch.uk/report <b>Hard copy</b> Contact secretary	Free £2
Staffing structure	<b>Website</b> www.school.sch.uk/staffing <b>Hard copy</b> Contact secretary	Free 10p/sheet

The school in the above example has a website and is therefore able to make information available at no cost online. For hard copies it is only charging for the actual costs incurred. If required they must be able to justify why they have calculated the charge to be 10p per sheet or £2 for the report.

## **FOI requests and the publication scheme**

It is important to note that a publication scheme simply sets out the information that is routinely available. Information that is not listed in the guide to information can still be requested and should be made available unless it can be legitimately withheld.

### **More information**

If you need any more information about this or need assistance with any other aspect of freedom of information, please visit our website or contact us.

Phone: 0303 123 1113  
01625 54 57 45

Email: please use the online [enquiry form](#) on our website

Website: [www.ico.gov.uk](http://www.ico.gov.uk)